

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stacy Frigerio	Team: Team # 2	CCRB Case #: 201103665	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/22/2011 11:00 PM	Location of Incident: 153rd Street and 35th Avenue	Precinct: 109	18 Mo. SOL 9/22/2012	EO SOL 9/22/2012	
Date/Time CV Reported Wed, 03/23/2011 11:03 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/23/2011 11:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Haaris Hamid	20462	940232	109 PCT
2. POM Bilal Ishaq	05539	939742	109 PCT
3. POM Cesar Dorado	25149	922279	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Haaris Hamid	Abuse: PO Haaris Hamid stopped § 87(2)(b) and § 87(2)(b)	
B.POM Cesar Dorado	Abuse: PO Cesar Dorado stopped § 87(2)(b) and § 87(2)(b)	
C.POM Bilal Ishaq	Abuse: PO Bilal Ishaq stopped § 87(2)(b) and § 87(2)(b)	
D.POM Haaris Hamid	Abuse: PO Haaris Hamid frisked § 87(2)(b)	
E.POM Haaris Hamid	Abuse: PO Haaris Hamid searched § 87(2)(b)	

Case Summary

On March 23, 2011, § 87(2)(b) filed this complaint with the CCRB via the telephone (encl. C1-C2). On March 22, 2011, at approximately 11:00 p.m., § 87(2)(b) and his friend, § 87(2)(b) were walking in the vicinity of 153rd Street and 35th Avenue in Queens. The following allegations resulted:

- **Allegation A – Abuse of Authority: PO Haaris Hamid stopped** § 87(2)(b) and § 87(2)(b)
- **Allegation B – Abuse of Authority: PO Cesar Dorado stopped** § 87(2)(b) and § 87(2)(b)
- **Allegation C – Abuse of Authority: PO Bilal Ishaq stopped** § 87(2)(b) and § 87(2)(b)
§ 87(2)(g)
- **Allegation D – Abuse of Authority: PO Haaris Hamid frisked** § 87(2)(b)
§ 87(2)(g)
- **Allegation E – Abuse of Authority: PO Haaris Hamid searched** § 87(2)(b)
§ 87(2)(g)

On April 4, 2011, § 87(2)(b) rejected mediation during his sworn statement because § 87(2)(b)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old male, identified his ethnicity as other, is 6'1" tall, 175 lbs., with brown hair and brown eyes. § 87(2)(b) is a § 87(2)(b)

CCRB Testimony

On March 28, 2011, § 87(2)(b) provided a telephone statement (encl. C3). On April 4, 2011, § 87(2)(b) was interviewed at the CCRB (encl. C4-C7). § 87(2)(g)
On March 22, 2011, at approximately 11:00 p.m., § 87(2)(b) and his friend, § 87(2)(b) walked from § 87(2)(b)'s home to a supermarket and then to a deli. § 87(2)(b) bought a grapefruit and § 87(2)(b) bought a beer. They did not stop to speak to anyone. § 87(2)(b) drank some of his beer and put it in the inside pocket of his leather jacket, and § 87(2)(b) ate the grapefruit. § 87(2)(b) and § 87(2)(b) walked back to § 87(2)(b)'s home. As they crossed the street, at approximately 11:00 p.m., three uniformed officers in marked van #5778 drove against traffic and pulled over behind them on 153rd Street and 35th Avenue in Queens. § 87(2)(b) had observed the same van parked in the vicinity after leaving the deli, but he had not seen the officers. The driver was

identified via the investigation as PO Cesar Dorado. PO Haaris Hamid sat in the front passenger seat. § 87(2)(b) obtained PO Hamid's information from reading his shield. The officer who sat in the rear was identified via the investigation as PO Bilal Ishaq. PO Ishaq did not interact with them.

PO Dorado asked them where they were going as PO Dorado and PO Ishaq exited the van. § 87(2)(b) stated that he lived down the block. PO Dorado asked § 87(2)(b) and § 87(2)(b) if they had anything on their persons. § 87(2)(b) stated that he had something that he should not have and that it was his birthday. § 87(2)(b) did not say anything. PO Dorado asked § 87(2)(b) for ID. § 87(2)(b) provided it. § 87(2)(b) took out the open beer from the inside pocket of his leather jacket and the officer put the beer on the ground. PO Hamid asked § 87(2)(b) for ID. § 87(2)(b) stated that he did not have to provide ID and that New York State law did not require him to carry ID. PO Hamid instructed § 87(2)(b) to get against the fence. PO Hamid asked PO Ishaq if he should search § 87(2)(b) and then PO Hamid asked § 87(2)(b) if he had anything sharp in his pockets. § 87(2)(b) told PO Hamid not to search him and said he would not find out.

§ 87(2)(b) stood nearby while § 87(2)(b) and PO Hamid interacted. PO Hamid grabbed and squeezed the left back pants pocket. PO Hamid removed his wallet from the left front pocket of his pants. PO Hamid gave § 87(2)(b)'s wallet to PO Dorado. PO Hamid frisked § 87(2)(b). PO Hamid entered § 87(2)(b)'s front and back pants pockets. PO Hamid removed a small knife from § 87(2)(b)'s front right pocket. There was nothing else in § 87(2)(b)'s pockets except for two tissues. PO Hamid searched the pockets of § 87(2)(b)'s hooded sweatshirt and went through the lining of the hood. PO Hamid did not ask § 87(2)(b) for permission to search him.

After he was searched, § 87(2)(b) sat down. PO Hamid gave § 87(2)(b)'s ID and small knife to PO Ishaq. PO Hamid and PO Ishaq spoke about what they were going to do. The officers asked § 87(2)(b) where he had gotten the knife and told § 87(2)(b) that he could be arrested for it. § 87(2)(b) stated that it was not big enough for them to arrest him and stated that it was not a gravity knife. § 87(2)(b) took out his cellular phone and PO Hamid told him to put it away. PO Hamid returned § 87(2)(b)'s ID and knife to him, and told them to go home. No arrests were made and no summonses were issued. The interaction lasted two to six minutes. § 87(2)(b) never saw these officers prior to this interaction.

Attempts to Contact Civilians

§ 87(2)(b) identified § 87(2)(b) as a victim. § 87(2)(b) was called five times between April 5, 2011 and April 13, 2011. Four messages were left for § 87(2)(b) and on April 12, 2011, an unidentified male answered the phone and hung up when asked to speak to § 87(2)(b). On June 1, 2011, a first contact letter was mailed to § 87(2)(b) at the address listed on his handwritten Stop, Question and Frisk report and this address also matched his address in OCA for his most recent arrest in § 87(2)(b). On June 29, 2011, another letter was mailed to § 87(2)(b). The first letter was returned to the CCRB but the second letter was not returned to the CCRB by USPS. The NYC Department of Correction website yielded negative results for § 87(2)(b) on September 2, 2011. As of the date of this report, § 87(2)(b) has not respond to the CCRB.

NYPD Statement(s):

Subject Officer: PO HAARIS HAMID

- PO Hamid is a § 87(2)(b)-old Asian male, 5'7" tall, 178 lbs., with black hair and brown eyes.
- On March 22, 2011, PO Hamid worked from 5:30 p.m. until 2:05 a.m. the following day. PO Hamid was assigned to Impact and worked with PO Dorado and PO Ishaq. PO Hamid was in uniform and assigned to van 5778.

Memo Book

At 11:25 p.m., two Hispanic males were stopped at 153rd Street and 35th Avenue for robbery and an “other report was prepared” (10-93Q) (encl. D16-D18). § 87(2)(b) was extremely irritated and stated that he will file a CCRB complaint and sue. § 87(2)(b) was frisked for furtive movements and knowledge of criminal history. A small knife was recovered.

CCRB Testimony

On June 23, 2011, PO Hamid was interviewed at the CCRB (encl. D19-D20). On March 22, 2011, at approximately 11:00 p.m., PO Hamid and his partners observed § 87(2)(b) grabbing an individual, who the officers later identified as § 87(2)(b) by the arms and back area, as § 87(2)(b) looked around. This led PO Hamid to suspect § 87(2)(b) of robbery. § 87(2)(b) and § 87(2)(b) walked a couple of feet. PO Hamid did not suspect § 87(2)(b) of any criminal activity at this point and did not recognize him from a previous incident. The officers observed them for approximately five minutes. PO Hamid and his partners were assigned to the area for a robbery condition because of a robbery and shooting that occurred two days prior about half a block away. The officers knew of § 87(2)(b) because he had been arrested numerous times and § 87(2)(b) was a known drug dealer/felon. The area is known for robberies and drug sales, and § 87(2)(b) was close to the scene of the robbery which occurred half a block away on Murray Street and 35th Avenue. § 87(2)(b) made furtive movements, which PO Hamid described as looking around, acting nervous and jittery. There were no other circumstances and PO Hamid did not observe any other actions prior to approaching § 87(2)(b) and § 87(2)(b). There were no other civilians around at the time and the incident location had a high rate of gang and drug activity.

PO Hamid, PO Ishaq and PO Dorado exited the van and asked § 87(2)(b) what he was doing. § 87(2)(b) stated that § 87(2)(b) had too much to drink and that he was going to take him home. The officers asked where § 87(2)(b) lived and § 87(2)(b) stated that § 87(2)(b) lived one block away. § 87(2)(b) was intoxicated and could not hold himself up. PO Hamid did not believe the civilians possessed any alcoholic beverages. PO Hamid and another officer asked § 87(2)(b) and § 87(2)(b) for identification and they handed their respective IDs to them. PO Hamid asked § 87(2)(b) if he had anything he was not supposed to have. § 87(2)(b) did not state that he had anything on him. PO Hamid stated that they had to be careful for their safety. PO Hamid frisked § 87(2)(b) and frisked the hood of his sweatshirt, but PO Hamid did not place his hand through the lining of the hood. PO Hamid frisked § 87(2)(b) because of furtive movements, his criminal history, and because he was combative and irritated. PO Hamid specified that § 87(2)(b) moved around, and kept on moving back and forth. PO Hamid frisked § 87(2)(b)'s arms, waistband area, thigh area, and pockets. PO Hamid felt a hard rectangular object in § 87(2)(b)'s sweatshirt pocket. PO Hamid asked § 87(2)(b) what the hard object was and § 87(2)(b) stated that it was a knife. PO Hamid believed § 87(2)(b) removed the knife from his own pocket after the frisk. PO Hamid did not remove anything from § 87(2)(b)'s pockets and he was not searched. Other than stating that he had a knife, there was nothing else that led PO Hamid to believe that § 87(2)(b) had a weapon.

§ 87(2)(b) and § 87(2)(b) were released because § 87(2)(b) had to help § 87(2)(b) home and they had not committed a crime. The officers told § 87(2)(b) that he was not supposed to have a knife on him at all though his was not illegal. § 87(2)(b) tried to record the conversation with his cellular phone. PO Hamid instructed him to put the phone away and to sit down. PO Hamid did not recall what statements were made by § 87(2)(b) or § 87(2)(b).

§ 87(2)(b) PO Hamid was unsure if § 87(2)(b) was frisked and did not personally frisk § 87(2)(b). § 87(2)(b) was intoxicated, cursed and yelled, which led PO Hamid to believe § 87(2)(b) had a weapon. § 87(2)(b) was not suspected of the shooting and robbery that had occurred two days prior to this incident because an arrest had been made. The officers determined that a robbery had not been committed because § 87(2)(b) told the officers that § 87(2)(b) was his friend and § 87(2)(b) corroborated that § 87(2)(b) was his friend.

Subject Officer: PO CESAR DORADO

- PO Dorado is a § 87(2)(b)-old Hispanic male, 5'7" tall, 160 lbs., with black hair and brown eyes.
- PO Dorado worked in uniform from 5:30 p.m. on March 22, 2011 to 2:05 a.m. on March 23, 2011. PO Dorado was assigned to Impact overtime and was assigned to a marked van. His partners were PO Ishaq and PO Hamid.

Memo Book

At 11:25 p.m., two males were stopped at 153rd Street and 35th Avenue and at 11:33 p.m., a Stop, Question and Frisk report was prepared, Sprint 16251 (encl. D9-D11).

Stop, Question and Frisk Report

PO Dorado prepared Stop, Question and Frisk Report § 87(2)(b) which indicates that § 87(2)(b) was stopped on March 22, 2011, at 11:50 p.m., and was suspected of robbery (encl. D12-D13). The circumstances that led to the stop included fitting a description and actions indicative of "casing" victim or location. The report indicates that § 87(2)(b) was frisked and was not searched. § 87(2)(b) was frisked because of furtive movements and actions indicative of engaging in violent crimes. Additional factors were the area has a high incidence of reported offense of type under investigation, time of day, day of week, season corresponding to reports of criminal activity. His demeanor was noted as cooperative.

CCRB Testimony

On August 4, 2011, PO Dorado was interviewed at the CCRB (encl. D14-D15). § 87(2)(g)

§ 87(2)(g) § 87(2)(b) became angry and asked the officers why they were stopping them. § 87(2)(b) became belligerent and yelled which heightened the officers' suspicion and made them fear for their safety. PO Hamid recognized § 87(2)(b) and informed PO Dorado that he had been arrested numerous times. PO Dorado did not recall interacting with § 87(2)(b) prior to this. § 87(2)(b)'s criminal history and his flailing his arms also made the officers fear § 87(2)(b) might try to hurt them. There was nothing else that led the officers to believe § 87(2)(b) had a weapon. The officers interviewed them, asked for their identifications and they complied. § 87(2)(b) was not suspected of robbery or any other crime. PO Hamid frisked § 87(2)(b) for the officers' safety. PO Hamid felt a hard object in § 87(2)(b)'s pocket. PO Hamid reached into § 87(2)(b)'s pocket and recovered a small knife. He did not recall if PO Hamid removed anything else from § 87(2)(b)'s pockets. PO Dorado did not know whether PO Hamid reached into § 87(2)(b)'s hooded sweatshirt. § 87(2)(b) was intoxicated as indicated by his swaying and the smell of alcohol on his breath. § 87(2)(b) also admitted to being intoxicated.

PO Dorado reviewed the Stop, Question and Frisk report for § 87(2)(b). He explained that actions indicative of casing an individual or location referred to when an individual walked behind or next to another person in a certain manner the individual might be looking to

rob the person, which is what the officers suspected § 87(2)(b) of doing. The report also indicated that § 87(2)(b) fit a description which PO Dorado specified was of males between 20 and 35 years of age committing robberies. There was no specific call that night regarding this. Two nights prior to the incident there had been a shooting. There had been many robberies. He did not know the time frame of when the robberies occurred.

Subject Officer: PO BILAL ISHAQ

- PO Ishaq is a § 87(2)(b)-old Asian male, 5'11" tall, 155 lbs., with black hair and brown eyes.
- On March 22, 2011, PO Ishaq worked in uniform from 5:30 p.m. to 2:05 a.m. PO Ishaq was assigned to Impact auto in marked vehicle 5778. PO Ishaq's partners were PO Haaris Hamid and PO Cesar Dorado.

Memo Book

At 11:10 p.m., they were conducting a vertical at 35-28 153rd Street. At 11:25 p.m., they were on patrol and stopped two Hispanic males at 153rd Street and 35th Avenue (robbery) (encl. D1-D4). At 11:33 p.m., a Stop, Question and Frisk report was prepared, Sprint T16251. § 87(2)(b) was extremely irritated and said he will file CCRB and sue. § 87(2)(b) was frisked for furtive movements and knowledge of criminal history. A small knife was recovered by PO Hamid and he was warned and admonished.

Stop, Question and Frisk Report

PO Ishaq prepared Stop, Question and Frisk Report § 87(2)(b) which indicates that § 87(2)(b) was stopped on March 22, 2011, at 11:23 p.m., and was suspected of robbery (encl. D5-D6). The circumstances that led to the stop included fitting a description, actions indicative of casing victim or location, actions indicative of acting as a lookout. The report indicates that § 87(2)(b) was frisked and was not searched. § 87(2)(b) was frisked because of knowledge of suspect's prior criminal violent behavior/use of force/use of weapon and his furtive movements. Additional factors were the area has a high incidence of reported offense of type under investigation, time of day, day of week, season corresponding to reports of criminal activity. His demeanor was noted as upset.

CCRB Testimony

On August 3, 2011, PO Ishaq was interviewed at the CCRB (encl. D7-D8). § 87(2)(g)

After exiting the building, PO Ishaq saw both men outside and when they saw the officers, the men placed their hands in their pockets and walked away from the officers. § 87(2)(b) and § 87(2)(b) also looked back at the officers as they crossed the street to see if the officers were watching them. These were furtive movements and were sufficient to frisk them and were actions indicative of casing a victim or location as noted on the Stop, Question and Frisk report.

§ 87(2)(b) was also frisked because of knowledge of his criminal history. PO Ishaq recognized § 87(2)(b) from having transported him to central booking and knew his criminal history as § 87(2)(b) had run from the police before. He knew § 87(2)(b) had been arrested over ten times, that he sold drugs and has been arrested for a robbery.

The individuals walking away from the officers constituted actions indicative of acting as a lookout. PO Ishaq believed it was possible they had a weapon since they put their hands in their pockets, walked away from the officers and looked back at the officers. PO Ishaq did not observe any other actions. There was no other reason to suspect they had a weapon or were involved in a robbery. The officers observed them for approximately two minutes.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian(s) CCRB History

- [§ 87(2)(b)] has filed the following CCRB complaints (encl. B4):

- [§ 87(2)(b)] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [§ 87(2)(b)] has not filed a CCRB complaint (encl. B5).

Subject Officer(s) CCRB History

- PO Hamid has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. B1).
- PO Dorado has been a member of the service for twelve years and there are no substantiated CCRB allegations against him (encl. B2).
- PO Ishaq has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. B3).

Conclusion

Identification of Subject Officer(s)

- PO Hamid, PO Ishaq and PO Dorado acknowledged observing the actions which led to the stop and they initiated the stop, [§ 87(2)(g)] [REDACTED]
- [§ 87(2)(b)] identified PO Hamid as the officer who allegedly frisked and searched him.
[§ 87(2)(g)] [REDACTED]

Investigative Findings and Recommendations

Allegations Not Pled

Though the Stop, Question and Frisk report for § 87(2)(b) indicates that he was frisked, § 87(2)(b) did not allege that § 87(2)(b) was frisked or searched, and § 87(2)(b) did not provide a statement to the CCRB, § 87(2)(g)

Allegation A – Abuse of Authority: PO Haaris Hamid stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: PO Cesar Dorado stopped § 87(2)(b) and § 87(2)(b)

Allegation C – Abuse of Authority: PO Bilal Ishaq stopped § 87(2)(b) and § 87(2)(b)

It is undisputed that the officers stopped § 87(2)(b) and § 87(2)(b). PO Ishaq's explanation for the stop was inconsistent with the explanation provided by PO Hamid and PO Dorado. However, based on the officers' and § 87(2)(b)'s statements, PO Ishaq did not have much interaction with § 87(2)(b) despite preparing the Stop, Question and Frisk report. PO Hamid had the primary interaction with § 87(2)(b) during the stop and it appears that PO Dorado mostly interacted with § 87(2)(b).

Patrol Guide Procedure 212-11 explains that officers are permitted to approach civilians to inquire about their conduct in order to assess whether a crime is occurring, had occurred or was about to occur (encl. A1-A3).

§ 87(2)(g)
PO Hamid and PO Dorado observed § 87(2)(b) bent over, swaying and unsteady, as § 87(2)(b) leaned over and held on to § 87(2)(b) by his upper body. This led PO Hamid and PO Dorado to suspect that § 87(2)(b) was robbing § 87(2)(b). The officers also noted that there was a robbery pattern in the area where the incident took place involving Hispanic males, which contributed to the officers' suspicion regarding § 87(2)(b)'s behavior. The officers approached § 87(2)(b) and § 87(2)(b) to investigate what was occurring. Upon approaching them, the officers determined that § 87(2)(b) was intoxicated as § 87(2)(b) testified, and PO Hamid recognized § 87(2)(b) from a previous arrest and knew of his criminal history. PO Ishaq noted that § 87(2)(b) had been arrested for robbery in the past. Once § 87(2)(b) confirmed that § 87(2)(b) was his friend, the officers determined that a crime was not transpiring, prepared Stop, Question and Frisk reports for both of them and concluded the stop. § 87(2)(g)

Allegation D – Abuse of Authority: PO Haaris Hamid frisked § 87(2)(b)

The frisk is not in dispute. PO Hamid acknowledged frisking § 87(2)(b) as noted on the Stop, Question and Frisk report. PO Hamid and PO Dorado were initially concerned that § 87(2)(b) was going to rob or hurt § 87(2)(b). The officers indicated that upon approaching § 87(2)(b) and § 87(2)(b) and inquiring about § 87(2)(b)'s conduct, § 87(2)(b)

became angry and belligerent, moving around and flailing his arms. Because of these furtive movements and knowledge of § 87(2)(b)'s criminal history, the officers were concerned that § 87(2)(b) may have possessed a weapon and so PO Hamid frisked § 87(2)(b) for their safety. As per Patrol Guide Procedure 212-11, the frisk was permissible given the circumstances of the stop and that the officers were reasonably concerned about their safety (encl. A1-A3).

§ 87(2)(g)

Allegation E – Abuse of Authority: PO Haaris Hamid searched § 87(2)(b)

§ 87(2)(b) alleged that PO Hamid searched all of his pockets and the hood of his sweatshirt, and removed his wallet and small knife. The handwritten Stop, Question and Frisk report prepared for § 87(2)(b) indicates that he was not searched and the search was in dispute among the officers. PO Dorado stated that PO Hamid removed the small knife from § 87(2)(b)'s pocket and PO Ishaq stated that § 87(2)(b) was not searched and did not know how the small knife was recovered. PO Hamid denied searching § 87(2)(b) and denied removing any items from § 87(2)(b)'s pockets. § 87(2)(g)

Team: 2

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date